

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**March 5, 2009**

DIVISION ONE

B208444      People                                  (Not for Publication)  
v.  
Michael Pitts

The judgment is affirmed.

Mallano, P.J.

We concur: Rothschild, J.  
Bauer, J. (Assigned)

B212888 Sony BMG Music Entertainment, et al. (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(Stephen Stewart-Short et al., r.p.i.)

The Court:

Therefore, let a peremptory writ issue, commanding respondent superior court to vacate its order of December 3, 2008 denying motion to stay the court action pending conclusion of the arbitration proceeding and to issue a new and different order granting same, in Los Angeles Superior Court case No. BC391026, entitled Stephen Stewart-Short et al. v. Sony BMG Music Entertainment et al. All parties shall bear their own costs.

Mallano, P.J.      Rothschild, J.

DIVISION ONE (continued)

B213345      Cole      (Not for Publication)

v.

Superior Court, Los Angeles County  
(People, r.p.i.)

The Court:

Therefore, let a peremptory writ issue, commanding respondent superior court to vacate its order of November 20, 2008, denying defendant Sidney Cole's ex parte motion for the appointment of an expert, and to issue a new and different order granting same, in Los Angeles Superior Court case No. NA079052, entitled People v. Sidney Cole.

Mallano, P.J.

Rothschild, J.

DIVISION TWO

B208500      Los Angeles County, D.C.F.S.      (Not for Publication)

v.

D.P.

The order is affirmed.

Chavez, J.

We concur:    Boren, P.J.  
                    Ashmann-Gerst, J.

B207657      Los Angeles County, D.C.F.S.      (Not for Publication)

v.

L.G., et al.

The order terminating parental rights is affirmed.

Chavez, J.

We concur:    Doi Todd, Acting P.J.  
                    Ashmann-Gerst, J.

DIVISION TWO (continued)

B202066      Robin G. Rolfes                      (Not for Publication)  
                 v.  
                 Gary P. Rolfes

The order is affirmed. Respondent is awarded his costs of appeal.

Chavez, J.

We concur:    Boren, P.J.  
                 Ashmann-Gerst, J.

B204159      People                                      (Not for Publication)  
                 v.  
                 E.S.

The order appealed from is modified to strike the maximum confinement term and the probation condition prohibiting appellant from using or possessing poisons. The probation condition that appellant not use or possess narcotics or controlled substances is modified to read “do not use or possess narcotics, controlled substances, or related paraphernalia, except in accordance with a valid prescription.”

The condition prohibiting appellant from participating in any gang activity is modified to state “do not participate in any type of known gang activity.” The condition prohibiting appellant from remaining in the presence of anyone unlawfully armed is modified to state “do not remain in the presence of anyone known to minor to be unlawfully armed.”

The order, as modified, is affirmed.

Chavez, J.

We concur:    Doi Todd, Acting P.J.  
                 Ashmann-Gerst, J.

DIVISION THREE

B206529 Stephens (Not for Publication)  
v.  
City of Pasadena Fire Department

The judgment and order are affirmed. Stephens is entitled to recover his costs on appeal.

Croskey, J.

We concur: Klein, P.J.  
Kitching, J.

|         |                                 |                       |
|---------|---------------------------------|-----------------------|
| B200624 | People v. Phillips              | (Not for Publication) |
| B209824 | In re Phillips on Habeas Corpus |                       |

The trial court's orders denying Phillips's motion to vacate his plea and petition for writ of error coram nobis is affirmed. The petition for writ of habeas corpus is denied.

Croskey, Acting P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

B194209      Lu, et al.  
v.  
Hawaiian Gardens Casino, et al.

Filed order denying petition for rehearing.

DIVISION FOUR

B206349 People (Not for Publication)  
v.  
Ward

The judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment that fully reflects the sentences imposed on counts 2 and 6 (see pt. C., *ante*), and to forward a copy of the amended abstract of judgment to the California Department of Corrections and Rehabilitation.

Manella, J.

We concur: Epstein, P.J.  
Suzukawa, J.

[illegible]

The judgment is affirmed.

Manella, J.

We concur: Willhite, Acting P.J.  
Suzukawa, J.

B208965 People (Not for Publication)  
v.  
Gonzalez

The judgment is affirmed.

Willhite, Acting P.J.

We concur: Manella, J.  
Suzukawa, J.

March 5, 2009 (Continued)

DIVISION SEVEN

Court convened at 9:00 a.m.

Present: Perluss, P.J., Woods, J., Zelon, J., Jackson, J. and Eva McClintock, Deputy Clerk.

Each of the following:

B196996 People v. Gray  
B200438 People v. Davis  
B200954 People v. Quezada  
B203490 People v. Downey  
B203983 People v. Albino  
B204130 People v. Flores  
B205525 People v. Cortez  
B205552 People v. Hunter  
B205867 People v. Cuellar  
B206470 People v. A. S.  
B206557 People v. Zuniga  
B207855 People v. Howlett

Argument waived, cause submitted.

B206926     People  
              v.  
              Aquino

Merits:

Argued by David Martin for appellant and by Eric Kohm, Deputy Attorney General for respondent. Cause submitted.

B202421     People  
              v.  
              Adams

Merits:

Argued by Diana Teran for appellant and by Peggy Huang, Deputy Attorney General for respondent. Cause submitted.

Court recessed.

March 5, 2009 (Continued)

DIVISION SEVEN (continued)

Court reconvened at 10:00 a.m.

Present: Perluss, P.J., Woods, J., Zelon, J., Jackson, J. and Eva McClintock, Deputy Clerk.

B196535      People  
                  v.  
                  Rodriguez

Merits:

Argued by Patricia Scott for appellant and by Gary Lieberman, Deputy Attorney General for respondent. Court requests supplemental briefing. Appellant's brief to be filed within 10 days and the respondent's brief is to be filed 10 days thereafter. Submission is deferred pending filing of the supplemental briefs.

B193939      Red Hill Enterprises  
                  v.  
                  Gould et al.,

Merits:

Argued by Philip Dapeer for appellants and by John Armstrong for respondent. Cause submitted.

B199813      Chang  
                  v.  
                  Lederman

Merits:

Argued by Dana Dorsett for appellant and by Jonathan Cole for respondent. Cause submitted.

Court recessed.

Court reconvened at 1:30 p.m.

Present: Perluss, P.J., Woods, J., Zelon, J., Jackson, J. and Eva McClintock, Deputy Clerk.

## DIVISION SEVEN (continued)

B201357      Bradley  
v.  
Gilbert

Merits:

Argued by Stewart Schwartz for appellant and by Claudia Lowder for respondent. Cause submitted.

B201435      Johnson  
v.  
Bostwick

Merits:

Argued by Jean-Paul Jassy for appellant and by James Eliaser for respondent. Cause submitted.

B204269 Hill  
v.  
P. K. Schrieffer, LLP et al.,

Merits:

Argued by Nate Kraut for appellant and by John Summerour and Nicholas Sarris for respondents. Cause submitted.

Court adjourned.

B202574      Crutcher      (Not for Publication)  
v.  
Chandler Lodge Foundation

The judgment is vacated with respect to the determination of the prevailing party and the award of costs, and the matter is remanded for the redetermination of costs. In all other respects, the judgment is affirmed. The parties shall bear their own costs on appeal.

Zelon, J.

We concur: Perluss, P.J.  
Woods, J.



March 5, 2009 (Continued)

DIVISION EIGHT

B204345      A.N., a Minor, etc.,      (Certified for Publication)  
                 v.  
                 County of Los Angeles et al.

The trial court's order dated October 22, 2007, is affirmed. Respondents  
are awarded costs on appeal.

Bigelow, J.

We concur: Rubin, Acting P.J.  
                 O'Neill, J. (Assigned)